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EXAMINER

COLETTA, LORI L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,692

Applicant(s)

CARLSSON ET AL.

Examiner

Lori L. Coletta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4-7-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 13 September 2002 is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on December 17, 1999. It is noted, however, that applicant has not filed a certified copy of the 9804389-6 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 29 and 30 are rejected under 35 U.S.C. 102(a) as being anticipated by Spykerman et al. 6,375,055.

Regarding claim 29, Spykerman et al. '055 discloses a loading compartment in a floor of a vehicle comprising a recess in the floor of the vehicle; a cover mounted in the floor for covering the recess in a closed position and for allowing access to a storage space defined by the recess in an open position, cover further comprising a net attached to the cover and in which goods can be placed; and at least one supporting member (37) attached to the cover for securing good placed in the storage space.

Regarding claim 30, Spykerman et al. discloses the loading compartment further comprising an elastic band for spring-loading the net.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375,055 in view of Spykerman et al. 6,253,943.

Regarding claim 1, Spykerman et al. '055 discloses a loading compartment (10) in a floor (18) of a vehicle (14) comprising a recess (16) in the floor of the vehicle; a cover (22) mounted in the floor for covering the recess in a closed position and for allowing access to a storage space defined by the recess in the open position.

However, Spykerman et al. '055 does not show at least one support member pivotally mounted to the cover for securing goods placed in the storage space.

Spykerman et al. '943 teach at least one supporting member (340 and 350) pivotally mounted to the cover (310) for securing goods placed in the storage space.

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055 with the cover, as taught by Spykerman et al. '943, in order to secure goods placed in the storage space.

Regarding claim 2, Spykerman et al. '055, as modified, discloses the loading compartment wherein the at least one support member further comprises supporting flaps attached to the cover.

Regarding claims 3 and 18, Spykerman et al. '055, as modified, discloses the loading compartment wherein the supporting flaps are spring-tensioned and fold in and bear against the cover when the cover is in the closed position and fold out at about right angles to the cover when the cover is in the open position

Regarding claim 17, Spykerman et al. '055, as modified, discloses a loading compartment (10) in a floor (18) of a vehicle (14) comprising a recess (16) in the floor of the vehicle; a cover (22) mounted in the floor for covering the recess in the closed position and for allowing access to a storage space defined by the recess in an opening position.

However, Spykerman et al. '055 does not show at least one support member pivotally mounted to the cover for securing good placed in the storage space, the at least one supporting member having supporting flaps attached to the cover.

Spykerman et al. '943 teaches a cover (310) mounted to the floor for covering the recess in a closed position and for allowing access to a storage define by the recess in an open position; and at least one supporting member (340 and 350) pivotally mounted to the cover for securing goods placed in the storage space, the at least one supporting member having supporting flaps attached to the cover.

Regarding claim 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055 with at least one support member pivotally mounted to the cover and having supporting flaps attached to the cover, as taught by Spykerman et al. '943, in order to secure goods in the storage space.

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6. Claims 4- 6, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375,055 as applied to claims 1 and 22 above, and further in view of Canadian reference 2,137,634.

Regarding claims 4-6, Spykerman et al. '055, as modified, discloses the loading compartment wherein the cover is attached to a front edge of the recess in relation to the vehicle.

However, Spykerman et al. '055 does not show at least one belt attached between the cover and the floor, wherein the belt and the cover secure goods in the storage area (claim 4); a second supporting member having fastening members attachable to the cover for suspension of good (claim 5); and an elastic cord disposed in the loading compartment, wherein the elastic cord is fastened to the fastening member thereby securing goods in the storage space (claim 6).

Canadian reference '634 teaches at least one belt (34) attached between the cover (18) and the floor (14), wherein the belt and the cover secure goods placed in the storage area; a second supporting member (52) having fastening members (42) attachable to the cover and an elastic cord (28) disposed in the loading compartment, wherein the elastic cord is fastened to the fastening members thereby securing goods in the storage space in Figure 6.

Regarding claims 4-6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055, as modified, with at least one belt attached between the cover and the floor, a second supporting member having fastening members attachable to the cover and an elastic cord disposed in the loading compartment and fastened to the fastening member, as taught by Canadian reference '634, in order to secure goods placed in the storage space.

Regarding claims 25 and 26, Spykerman et al. '055, as modified, discloses the loading compartment.

However, Spykerman et al. '055 does not show wherein the at least one supporting member further comprises a second supporting member having fastening members attachable to the cover for suspension of goods (claim 25); and further comprising an elastic cord in the loading compartment, wherein the elastic cord is fastened to the fastening members thereby securing goods placed on the load-receiving element (claim 26).

Canadian reference '634 teaches at least one supporting member further comprises a second supporting member (52) having fastening members (42) attachable to the cover for suspension of goods (claim 25); and further comprising an elastic cord (28) in the loading compartment, wherein the elastic cord is fastened to the fastening members thereby securing goods placed on the load-receiving element (claim 26) in Figure 6.

Regarding claims 25 and 26, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055, as modified, with at least one supporting member further comprises a second supporting member having fastening members attachable to the cover for suspension of goods and comprising an elastic cord (28) in the loading compartment, wherein the elastic cord is fastened to the fastening members thereby securing goods placed on the load-receiving element, as taught by Canadian reference '634, in order to secure goods placed in the storage space.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375, 055 as applied to claim 1 above, and further in view of German reference 198 02 077.

Regarding claims 7 and 8, Spykerman et al. '055, as modified, discloses the loading compartment (10).

However, Spykerman et al. '055 does not show a load-receiving element comprising load-receiving surface detachable disposed in the recess (claim 7); and the load-receiving element is shaped as a casing comprising a bottom surface and side surfaces (claim 8).

German reference '077 teaches a load-receiving element comprising load-receiving surfaces detachable disposed in the recess (claim 7); and the load-receiving element comprising a bottom surface and side surfaces (claim 8).

Regarding claims 7 and 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055, as modified, with a load-receiving element comprising load-receiving surfaces detachably disposed in the recess and comprising a bottom surface and side surfaces, as taught by German reference '077, in order to secure goods placed in the storage space.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375,055 in view of Spykerman et al. 6,253,943.

Regarding claim 19, Spykerman et al. '055 discloses the loading compartment in a floor of a vehicle comprising a recess in the floor of the vehicle; a cover mounted in the floor for covering the recess in the closed position and for allowing access to a storage space defined by the recess in the open position; and at least one supporting member (37) attached to the cover for securing goods placed in the storage space, and at least one belt (32) is attached between the cover and the floor, and wherein the belt and the cover secure goods in the storage space.



However, Spykerman et al. '055 does not show wherein the cover is attached to a front edge of the recess in relation to the vehicle.

Spykerman et al. '943 teach a cover (310) attached to a front edge of the recess (320) in relation to the vehicle in Figure 16.

Regarding claim 19, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055 with the cover attached to the front edge of the recess in relation to the vehicle, as taught by Spykerman et al. '943, in order to provide a rear wall when pivoted to an open position.

9. Claims 9-11 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375,055 in view of German reference 198 02 077.

Regarding claim 9, Spykerman et al. '055 discloses a loading compartment in a floor of a vehicle comprising a recess in the floor of the vehicle; a storage space defined by the recess; and at least one load-receiving belt (32) is attached between the cover and the floor securing goods in the recess.

However, Spykerman et al. '055 does not show a load-receiving element matched to the shape of the recess, the load-receiving element detachably disposed in the recess and providing load-receiving surfaces for securing goods placed on the load-receiving element.

German reference ' 077 teaches a load-receiving element matched to the shape of the recess, the load-receiving element detachably disposed in the recess and providing load-receiving surfaces for securing goods placed on the load-receiving element.

Regarding claim 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055 with a load-receiving element matched to the shape of the recess, the load-receiving element detachably disposed in the recess and providing load-receiving surfaces for securing goods placed on the load-receiving element, as taught by German reference '077, in order to provide a removable load-receiving element.

Regarding claim 10, Spykerman et al. '055, as modified, discloses the loading compartment wherein the load-receiving element is shaped as a casing, with the load-receiving surfaces having a bottom surface and side surfaces.

Regarding claim 11, Spykerman et al. '055, as modified, discloses the loading compartment comprising at least one supporting member (37) attached to the cover for securing goods placed on the load-receiving element.

Regarding claim 20 and 21, Spkerman et al. '055 discloses a loading compartment in a floor of a vehicle comprising a recess in the floor of the vehicle; a cover mounted in the floor for covering the recess in a closed position and for allowing access to a storage spaced defined by the recess in an open position; and at least one supporting member attachable to the cover for securing goods placed in the storage space.

However, Spykerman et al. '055 does not show a load-receiving element having load-receiving surfaces detachably disposed in the recess and is shaped comprising a bottom surface and side surfaces.

German reference '077 teaches a load-receiving element comprising load-receiving surfaces detachably disposed in the recess and is shaped comprising a bottom surface and side surfaces.

Regarding claims 20 and 21, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055 with a load-receiving element comprising load-receiving surfaces detachably disposed in the recess and is shaped comprising a bottom surface and side surfaces, as taught by German reference '077, in order to provide a removable load-receiving element.

Regarding claim 22, Spykerman et al. '055 discloses a loading compartment in a floor of a vehicle comprising a recess in a closed position and for allowing access to a storage space defined by the recess in the open position; and at least one supporting member attachable to the cover for securing goods in the storage space.

However, Spykerman et al. '055 does not show a load-receiving element matched to the shaped of the recess, the load-receiving element detachably disposed in the recess and providing load-receiving surfaces for securing goods placed on the load-receiving element.

German reference '077 teaches a load-receiving element comprising load-receiving element matched to the shape of the recess, the load-receiving element detachably disposed in the recess and providing load-receiving surfaces for securing good placed on the load-receiving element.

Regarding claim 22, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055 with a load-receiving element comprising load-receiving element matched to the shape of the recess, the load-receiving element detachably disposed in the recess and providing load-receiving surfaces, as taught by German reference '077, in order to provide a removable load-receiving element.

10. Claims 12-14 and 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375,055 as applied to claims 9 and 22 above, and further in view of Spykerman et al. 6,253,943.

Regarding claims 12-14, Spykerman et al. '055 discloses, as modified, the loading compartment.

However, Spykerman et al. '055 does not show wherein at least one supporting member comprises a first supporting member further comprising supporting flaps pivotally mounted on the cover (claim 12); wherein the supporting flaps are spring-tensioned and fold in and bear against the cover when the cover is in a closed position and fold out and extend at about right angles to the cover when the cover is in an open position (claim 13); and wherein the cover is pivotally connected to the front edge of the recess in relation to the vehicle (claim 14).

Spykerman et al. '943 teaches at least one supporting member comprises a first supporting member further comprising supporting flaps pivotally mounted on the cover (claim 12); wherein the supporting flaps are spring-tensioned and fold in and bear against the cover when the cover is in a closed position and fold out and extend at about right angles to the

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cover when the cover is in an open position (claim 13); and wherein the cover is pivotally connected to the front edge of the recess in relation to the vehicle (claim 14).

Regarding claims 12-14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055, as modified, with at least one supporting member comprises a first supporting member further comprising supporting flaps pivotally mounted on the cover; wherein the supporting flaps are spring-tensioned and fold in and bear against the cover when the cover is in a closed position and fold out and extend at about right angles to the cover when the cover is in an open position); and wherein the cover is pivotally connected to the front edge of the recess in relation to the vehicle, as taught by Spykerman et al. '943, in order to secure goods places in the storage space.

Regarding claims 23 and 24, Spykerman et al. '055, as modified, discloses the loading compartment.

However, Spykerman et al. '055 does not show wherein the at least one supporting member further comprises a first supporting member having supporting flaps pivotally mounted on the cover (claim 23); and wherein the supporting flaps are spring-tension and able to fold in and bear against the cover when the cover is in a closed position, and able to fold out and extend at about right angles to the cover when the cover is in an open position (claim 24).

Spykerman et al. '943 teaches at least one supporting member further comprising a first supporting member having supporting flaps pivotally mounted on the cover (claim 23); and the supporting flaps are spring-tensioned and able to fold in and bear against the cover when the cover is in a closed position, and able to fold out and extend at about right angles to the cover when the cover is in an open position.

Regarding claims 23 and 24, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055, as modified, with at least one supporting member further comprising a first supporting member having supporting flaps pivotally mounted to the cover and the supporting flaps are spring-tensioned and able to fold in and bear against the cover when the cover is on a closed position, and able to fold out and extend at about right angles to the cover when the cover is in an open position, as taught by Spykerman et al. '943, in order to secure goods places in the storage space.

11. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375,055 as applied to claim 11 above, and further in view of Canadian reference 2,137,634.

Regarding claims 15 and 16, Spykerman et al. '055, as modified, discloses the loading compartment.

However, Spykerman et al. '055 does not show wherein the at least one supporting member further comprises a second supporting member comprising fastening members attached to the cover for suspension of goods (claim 15); and further comprising an elastic cord in the loading compartment, wherein the elastic cord is fastened to the fastening members thereby securing goods placed on the load-receiving element (claim 16).

Canadian reference '634 teaches at least one supporting member further comprises a second supporting member (52) comprising fastening members (42) attached to the cover for suspension of goods (claim 15); and further comprising an elastic cord (28) in the loading compartment, wherein the elastic cord is fastened to the fastening members thereby securing goods placed on the load-receiving element (claim 16) in Figure 6.

Regarding claims 15 and 16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading-compartment of Spykerman et al. '055 with at least one supporting member further comprises a second supporting member comprising fastening members attached to the cover and an elastic cord in the loading compartment, wherein the elastic cord is fastened to the fastening members, as taught by Canadian reference '634, in order to secure goods placed in the storage space.

12. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375,055 in view of German reference 198 02 077 and Canadian reference 2,137,634.

Regarding claim 27, Spykerman et al. '055 discloses a loading compartment in a floor of a vehicle comprising a recess in the floor of the vehicle; a storage spaced defined by the recess; and a cover pivotally connected to the floor for covering the recess in a closed position and for allowing access to the storage space in an open position and wherein the cover is pivotally connected to a front edge of the recess in relation to the vehicle.

However, Spykerman et al. '055 does not show a load-receiving element matched to the shape of the recess, the load-receiving element detachably disposed in the recess and providing load-receiving surfaces for securing goods placed on the load-receiving element, and at least one load-receiving belt is attached between the cover and the floor for securing goods in the recess.

German reference '077 teaches a load-receiving element matched to the shape of the recess and detachably disposed in the recess and providing load-receiving surfaces for securing goods placed on the load-receiving element.

Canadian reference '634 teaches at least one load-receiving belt is attached between the cover and the floor for securing goods in the recess.

Regarding claim 27, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055 with a load-receiving element matched to the shape of the recess and detachably disposed in the recess and providing load-receiving surfaces, as taught by German reference '077, in order to secure goods.

Regarding claim 27, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055, as modified, with at least one load-receiving belt attached between the cover and floor, as taught by Canadian reference '634, in order to secure goods.

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spykerman et al. 6,375,055 in view of Treppedi et al. 2002/0095947.



Regarding claim 28, Spykerman et al. '055 discloses a loading compartment in a floor of a vehicle comprising a recess in the floor of the vehicle; a cover mounted in the floor for covering the recess in a closed position and for allowing access to a storage space defined by the recess in the open position; and at least one supporting member attached to the cover for securing goods placed in the storage space.

However, Spykerman et al. '055 does not show the cover further comprising an elastic member having two ends, wherein both ends attached to the cover.

Treppedi et al. '947 teach a cover comprising an elastic member having two ends, wherein both ends are attached to the cover.

Regarding claim 28, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the loading compartment of Spykerman et al. '055 with the cover further comprising an elastic member having two ends, wherein both ends are attached to the cover, as taught by Treppedi et al. '947, in order to secure goods in the storage space.

#### ***Response to Arguments***

14. Applicant's arguments filed April 7, 2003 have been fully considered but they are not persuasive.

Applicant states that Spykerman et al. '055 does not qualify as prior art. The declaration, in the application, states that Swedish Patent Application No. 9804389-6 filed on December 17, 1999 not December 17, 1998 as stated in Applicant's arguments. Applicant has not filed a certified copy of the Swedish Patent Application No. 9804389-6 application as required by 35 U.S.C. 119(b). Also, the English translation of Swedish priority application No. 9804389-6 does not include the Figures.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1134.

Lori L. Coletta  
Examiner  
Art Unit 3612

*Lori L. Coletta*  
Lori L. Coletta  
April 29, 2003